

1 AN ACT concerning human rights.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 7A-102, 7A-103, 7B-102, 7B-103, 8-103,
6 8-110, 8-111, 10-101, and 10-102 as follows:

7 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

8 Sec. 7A-102. Procedures.

9 (A) Charge.

10 (1) Within 180 days after the date that a civil rights
11 violation allegedly has been committed, a charge in writing
12 under oath or affirmation may be filed with the Department
13 by an aggrieved party or issued by the Department itself
14 under the signature of the Director.

15 (2) The charge shall be in such detail as to
16 substantially apprise any party properly concerned as to
17 the time, place, and facts surrounding the alleged civil
18 rights violation.

19 (B) Notice~~7~~ and Response to, ~~and Review of~~ Charge. The
20 Department shall, within 10 days of the date on which the
21 charge was filed, serve a copy of the charge on the respondent.
22 This period shall not be construed to be jurisdictional. The
23 charging party and the respondent may each file a position
24 statement and other materials with the Department regarding the
25 charge of alleged discrimination within 60 days of receipt of
26 the notice of the charge. The position statements and other
27 materials filed shall remain confidential unless otherwise
28 agreed to by the party providing the information and shall not
29 be served on or made available to the other party during
30 pendency of a charge with the Department. The Department shall
31 require the respondent to file a verified response to the
32 allegations contained in the charge within 60 days of receipt

1 of the notice of the charge. The respondent shall serve a copy
2 of its response on the complainant or his representative. All
3 allegations contained in the charge not timely denied by the
4 respondent shall be deemed admitted, unless the respondent
5 states that it is without sufficient information to form a
6 belief with respect to such allegation. The Department shall
7 issue a notice of default directed to any respondent who fails
8 to file a verified response to a charge within 60 days of
9 receipt of the notice of the charge, unless the respondent can
10 demonstrate good cause as to why such notice should not issue.
11 Within 30 days of receipt of the respondent's response, the
12 complainant may file a reply to said response and shall serve a
13 copy of said reply on the respondent or his representative. A
14 party shall have the right to supplement his response or reply
15 at any time that the investigation of the charge is pending.
16 The Department shall, within 10 days of the date on which the
17 charge was filed, and again no later than 335 days thereafter,
18 send by certified or registered mail written notice to the
19 complainant and to the respondent informing the complainant of
20 the right to file a complaint with the Human Rights Commission
21 under subparagraph (2) of paragraph (G), including in such
22 notice the dates within which the complainant may exercise this
23 right. In the notice the Department shall notify the
24 complainant that the charge of civil rights violation will be
25 dismissed with prejudice and with no right to further proceed
26 if a written complaint is not timely filed with the Commission
27 by the complainant pursuant to subparagraph (2) of paragraph
28 (G) or by the Department pursuant to subparagraph (1) of
29 paragraph (G).

30 (B-1) Mediation. The complainant and respondent may agree
31 to voluntarily submit the charge to mediation without waiving
32 any rights that are otherwise available to either party
33 pursuant to this Act and without incurring any obligation to
34 accept the result of the mediation process. Nothing occurring
35 in mediation shall be disclosed by the Department or admissible
36 in evidence in any subsequent proceeding unless the complainant

1 and the respondent agree in writing that such disclosure be
2 made.

3 (C) Investigation.

4 (1) After the respondent has been notified, the
5 Department shall conduct a full investigation of the
6 allegations set forth in the charge.

7 (2) The Director or his or her designated
8 representatives shall have authority to request any member
9 of the Commission to issue subpoenas to compel the
10 attendance of a witness or the production for examination
11 of any books, records or documents whatsoever.

12 (3) If any witness whose testimony is required for any
13 investigation resides outside the State, or through
14 illness or any other good cause as determined by the
15 Director is unable to be interviewed by the investigator or
16 appear at a fact finding conference, his or her testimony
17 or deposition may be taken, within or without the State, in
18 the same manner as is provided for in the taking of
19 depositions in civil cases in circuit courts.

20 (4) Upon reasonable notice to the complainant and the
21 respondent, the Department shall conduct a fact finding
22 conference prior to 365 days after the date on which the
23 charge was filed, unless the Director has determined
24 whether there is substantial evidence that the alleged
25 civil rights violation has been committed or the charge has
26 been dismissed for lack of jurisdiction. If the parties
27 agree in writing, the fact finding conference may be held
28 at a time after the 365 day limit. Any party's failure to
29 attend the conference without good cause shall result in
30 dismissal or default. The term "good cause" shall be
31 defined by rule promulgated by the Department. A notice of
32 dismissal or default shall be issued by the Director and
33 shall notify the relevant party that a request for review
34 may be filed in writing with the Commission ~~Chief Legal~~
35 ~~Counsel of the Department~~ within 30 days of receipt of
36 notice of dismissal or default.

1 (D) Report.

2 (1) Each charge shall be the subject of a report to the
3 Director. The report shall be a confidential document
4 subject to review by the Director, authorized Department
5 employees, the parties, and, where indicated by this Act,
6 members of the Commission or their designated hearing
7 officers.

8 (2) Upon review of the report, the Director shall
9 determine whether there is substantial evidence that the
10 alleged civil rights violation has been committed. The
11 determination of substantial evidence is limited to
12 determining the need for further consideration of the
13 charge pursuant to this Act and includes, but is not
14 limited to, findings of fact and conclusions, as well as
15 the reasons for the determinations on all material issues
16 ~~and questions of credibility~~. Substantial evidence is
17 evidence which a reasonable mind accepts as sufficient to
18 support a particular conclusion and which consists of more
19 than a mere scintilla but may be somewhat less than a
20 preponderance.

21 (3) (a) If the Director determines:

22 (a) that there is no substantial evidence, the
23 charge shall be dismissed by order of the Director and
24 the complainant notified that he or she may seek review
25 of the dismissal order before the Commission ~~Chief~~
26 ~~Legal Counsel of the Department~~. The complainant shall
27 have 30 days from receipt of notice to file a request
28 for review by the Commission ~~Chief Legal Counsel of the~~
29 ~~Department~~.

30 ~~(b) If the Director determines~~ that there is
31 substantial evidence, he or she shall designate a
32 Department employee who is an attorney licensed to
33 practice in Illinois to endeavor to eliminate the
34 effect of the alleged civil rights violation and to
35 prevent its repetition by means of conference and
36 conciliation.

1 (E) Conciliation.

2 (1) When the Department determines that a formal
3 conciliation conference is necessary, the complainant and
4 respondent shall be notified of the time and place of the
5 conference by registered or certified mail at least 10 days
6 prior thereto and either or both parties shall appear at
7 the conference in person or by attorney.

8 (2) The place fixed for the conference shall be within
9 35 miles of the place where the civil rights violation is
10 alleged to have been committed.

11 (3) Nothing occurring at the conference shall be
12 disclosed by the Department unless the complainant and
13 respondent agree in writing that such disclosure be made.

14 (F) Complaint.

15 (1) When there is a failure to settle or adjust any
16 charge through conciliation, the Department shall prepare
17 a written complaint, under oath or affirmation, stating the
18 nature of the civil rights violation substantially as
19 alleged in the charge previously filed and the relief
20 sought on behalf of the aggrieved party.

21 (2) The complaint shall be filed with the Commission.

22 (G) Time Limit.

23 (1) When a charge of a civil rights violation has been
24 properly filed, the Department, within 365 days thereof or
25 within any extension of that period agreed to in writing by
26 all parties, shall either issue and file a complaint in the
27 manner and form set forth in this Section or shall order
28 that no complaint be issued and dismiss the charge with
29 prejudice without any further right to proceed except in
30 cases in which the order was procured by fraud or duress.
31 Any such order shall be duly served upon both the
32 complainant and the respondent.

33 (2) Between 365 and 395 days after the charge is filed,
34 or such longer period agreed to in writing by all parties,
35 the aggrieved party may file a complaint with the
36 Commission, if the Director has not sooner issued a report

1 and determination pursuant to paragraphs (D) (1) and (D) (2)
2 of this Section. The form of the complaint shall be in
3 accordance with the provisions of paragraph (F). The
4 aggrieved party shall notify the Department that a
5 complaint has been filed and shall serve a copy of the
6 complaint on the Department on the same date that the
7 complaint is filed with the Commission.

8 (3) If an aggrieved party files a complaint with the
9 Human Rights Commission pursuant to paragraph (2) of this
10 subsection, or if the time period for filing a complaint
11 has expired, the Department shall immediately cease its
12 investigation and dismiss the charge of civil rights
13 violation. ~~Any final order entered by the Chief Legal~~
14 ~~Counsel under this Section is appealable in accordance with~~
15 ~~paragraph (A) (1) of Section 8-111.~~ Failure to immediately
16 cease an investigation and dismiss the charge of civil
17 rights violation as provided in this paragraph (3)
18 constitutes grounds for entry of an order by the circuit
19 court permanently enjoining the investigation. The
20 Department may also be liable for any costs and other
21 damages incurred by the respondent as a result of the
22 action of the Department.

23 (4) The Department shall stay any administrative
24 proceedings under this Section after the filing of a civil
25 action by or on behalf of the aggrieved party under any
26 federal or State law seeking relief with respect to the
27 alleged civil rights violation.

28 (H) This amendatory Act of 1995 applies to causes of action
29 filed on or after January 1, 1996.

30 (I) This amendatory Act of 1996 applies to causes of action
31 filed on or after January 1, 1996.

32 (J) Except as provided in subsection (K), the changes made
33 to this Section by this amendatory Act of the 94th General
34 Assembly apply to charges filed on or after the effective date
35 of those changes.

36 (K) The changes made to paragraph (D) (2) of this Section by

1 this amendatory Act of the 94th General Assembly apply to
2 charges pending on the effective date of those changes.

3 (Source: P.A. 89-370, eff. 8-18-95; 89-520, eff. 7-18-96.)

4 (775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103)

5 Sec. 7A-103. Settlement.

6 (A) Circumstances. A settlement of any charge prior to the
7 filing of a complaint may be effectuated at any time upon
8 agreement of the parties and the approval of the Department. A
9 settlement of any charge after the filing of a complaint shall
10 be effectuated as specified in Section 8-105(A) (2) of this Act.

11 (B) Form. Settlements of charges prior to the filing of
12 complaints shall be reduced to writing by the Department,
13 signed by the parties, and submitted by the Department to the
14 Commission for approval. Settlements of charges after the
15 filing of complaints shall be effectuated as specified in
16 Section 8-105(A) (2) of this Act.

17 (C) Violation.

18 (1) When either party alleges that a settlement order
19 has been violated, the Department shall conduct an
20 investigation into the matter.

21 (2) Upon finding substantial evidence to demonstrate
22 that a settlement has been violated, the Department shall
23 file notice of a settlement order violation with the
24 Commission and serve all parties.

25 (D) Dismissal For Refusal To Accept Settlement Offer. The
26 Department shall dismiss a charge if it is satisfied that:

27 (1) the respondent has eliminated the effects of the
28 civil rights violation charged and taken steps to prevent
29 its repetition; or

30 (2) the respondent offers and the complainant declines
31 to accept terms of settlement which the Department finds
32 are sufficient to eliminate the effects of the civil rights
33 violation charged and prevent its repetition.

34 When the Department dismisses a charge under this Section
35 it shall notify the complainant that he or she may seek review

1 of the dismissal order before the Commission ~~Chief Legal~~
2 ~~Counsel of the Department~~. The complainant shall have 30 days
3 from receipt of notice to file a request for review by the
4 Commission ~~Chief Legal Counsel of the Department~~.

5 In determining whether the respondent has eliminated the
6 effects of the civil rights violation charged, or has offered
7 terms of settlement sufficient to eliminate same, the
8 Department shall consider the extent to which the respondent
9 has either fully provided, or reasonably offered by way of
10 terms of settlement, as the case may be, the relevant relief
11 available to the complainant under Section 8-108 of this Act.

12 (E) This amendatory Act of 1995 applies to causes of action
13 filed on or after January 1, 1996.

14 (F) The changes made to this Section by this amendatory Act
15 of the 94th General Assembly apply to charges filed on or after
16 the effective date of those changes.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (775 ILCS 5/7B-102) (from Ch. 68, par. 7B-102)

19 Sec. 7B-102. Procedures.

20 (A) Charge.

21 (1) Within one year after the date that a civil rights
22 violation allegedly has been committed or terminated, a
23 charge in writing under oath or affirmation may be filed
24 with the Department by an aggrieved party or issued by the
25 Department itself under the signature of the Director.

26 (2) The charge shall be in such detail as to
27 substantially apprise any party properly concerned as to
28 the time, place, and facts surrounding the alleged civil
29 rights violation.

30 (B) Notice and Response to Charge.

31 (1) The Department shall serve notice upon the
32 aggrieved party acknowledging such charge and advising the
33 aggrieved party of the time limits and choice of forums
34 provided under this Act. The Department shall, within 10
35 days of the date on which the charge was filed or the

1 identification of an additional respondent under paragraph
2 (2) of this subsection, serve on the respondent a copy of
3 the charge along with a notice identifying the alleged
4 civil rights violation and advising the respondent of the
5 procedural rights and obligations of respondents under
6 this Act and shall require the respondent to file a
7 verified response to the allegations contained in the
8 charge within 30 days. The respondent shall serve a copy of
9 its response on the complainant or his representative. All
10 allegations contained in the charge not timely denied by
11 the respondent shall be deemed admitted, unless the
12 respondent states that it is without sufficient
13 information to form a belief with respect to such
14 allegation. The Department shall issue a notice of default
15 directed to any respondent who fails to file a verified
16 response to a charge within 30 days of the date on which
17 the charge was filed, unless the respondent can demonstrate
18 good cause as to why such notice should not issue. Within
19 10 days of the date he receives the respondent's response,
20 the complainant may file his reply to said response. If he
21 chooses to file a reply, the complainant shall serve a copy
22 of said reply on the respondent or his representative. A
23 party shall have the right to supplement his response or
24 reply at any time that the investigation of the charge is
25 pending.

26 (2) A person who is not named as a respondent in a
27 charge, but who is identified as a respondent in the course
28 of investigation, may be joined as an additional or
29 substitute respondent upon written notice, under
30 subsection (B), to such person, from the Department. Such
31 notice, in addition to meeting the requirements of
32 subsections (A) and (B), shall explain the basis for the
33 Department's belief that a person to whom the notice is
34 addressed is properly joined as a respondent.

35 (C) Investigation.

36 (1) The Department shall conduct a full investigation

1 of the allegations set forth in the charge and complete
2 such investigation within 100 days after the filing of the
3 charge, unless it is impracticable to do so.

4 (2) If the Department is unable to complete the
5 investigation within 100 days after the charge is filed,
6 the Department shall notify the complainant and respondent
7 in writing of the reasons for not doing so.

8 (3) The Director or his or her designated
9 representative shall have authority to request any member
10 of the Commission to issue subpoenas to compel the
11 attendance of a witness or the production for examination
12 of any books, records or documents whatsoever.

13 (4) If any witness whose testimony is required for any
14 investigation resides outside the State, or through
15 illness or any other good cause as determined by the
16 Director is unable to be interviewed by the investigator or
17 appear at a fact finding conference, his or her testimony
18 or deposition may be taken, within or without the State, in
19 the same manner as provided for in the taking of
20 depositions in civil cases in circuit courts.

21 (5) Upon reasonable notice to the complainant and the
22 respondent, the Department shall conduct a fact finding
23 conference, unless prior to 100 days from the date on which
24 the charge was filed, the Director has determined whether
25 there is substantial evidence that the alleged civil rights
26 violation has been committed. A party's failure to attend
27 the conference without good cause may result in dismissal
28 or default. A notice of dismissal or default shall be
29 issued by the Director and shall notify the relevant party
30 that a request for review may be filed in writing with the
31 Commission ~~Chief Legal Counsel of the Department~~ within 30
32 days of receipt of notice of dismissal or default.

33 (D) Report.

34 (1) Each investigated charge shall be the subject of a
35 report to the Director. The report shall be a confidential
36 document subject to review by the Director, authorized

1 Department employees, the parties, and, where indicated by
2 this Act, members of the Commission or their designated
3 hearing officers.

4 The report shall contain:

5 (a) the names and dates of contacts with witnesses;

6 (b) a summary and the date of correspondence and
7 other contacts with the aggrieved party and the
8 respondent;

9 (c) a summary description of other pertinent
10 records;

11 (d) a summary of witness statements; and

12 (e) answers to questionnaires.

13 A final report under this paragraph may be amended if
14 additional evidence is later discovered.

15 (2) Upon review of the report and within 100 days of
16 the filing of the charge, unless it is impracticable to do
17 so, the Director shall determine whether there is
18 substantial evidence that the alleged civil rights
19 violation has been committed or is about to be committed.
20 If the Director is unable to make the determination within
21 100 days after the filing of the charge, the Director shall
22 notify the complainant and respondent in writing of the
23 reasons for not doing so.

24 (a) If the Director determines that there is no
25 substantial evidence, the charge shall be dismissed
26 and the aggrieved party notified that he or she may
27 seek review of the dismissal order before the
28 Commission. The aggrieved party shall have 30 days from
29 receipt of notice to file a request for review by the
30 Commission ~~Chief Legal Counsel of the Department~~. The
31 Director shall make public disclosure of each such
32 dismissal.

33 (b) If the Director determines that there is
34 substantial evidence, he or she shall immediately
35 issue a complaint on behalf of the aggrieved party
36 pursuant to subsection (F).

1 (E) Conciliation.

2 (1) During the period beginning with the filing of
3 charge and ending with the filing of a complaint or a
4 dismissal by the Department, the Department shall, to the
5 extent feasible, engage in conciliation with respect to
6 such charge.

7 When the Department determines that a formal
8 conciliation conference is feasible, the aggrieved party
9 and respondent shall be notified of the time and place of
10 the conference by registered or certified mail at least 7
11 days prior thereto and either or both parties shall appear
12 at the conference in person or by attorney.

13 (2) The place fixed for the conference shall be within
14 35 miles of the place where the civil rights violation is
15 alleged to have been committed.

16 (3) Nothing occurring at the conference shall be made
17 public or used as evidence in a subsequent proceeding for
18 the purpose of proving a violation under this Act unless
19 the complainant and respondent agree in writing that such
20 disclosure be made.

21 (4) A conciliation agreement arising out of such
22 conciliation shall be an agreement between the respondent
23 and the complainant, and shall be subject to approval by
24 the Department and Commission.

25 (5) A conciliation agreement may provide for binding
26 arbitration of the dispute arising from the charge. Any
27 such arbitration that results from a conciliation
28 agreement may award appropriate relief, including monetary
29 relief.

30 (6) Each conciliation agreement shall be made public
31 unless the complainant and respondent otherwise agree and
32 the Department determines that disclosure is not required
33 to further the purpose of this Act.

34 (F) Complaint.

35 (1) When there is a failure to settle or adjust any
36 charge through a conciliation conference and the charge is

1 not dismissed, the Department shall prepare a written
2 complaint, under oath or affirmation, stating the nature of
3 the civil rights violation and the relief sought on behalf
4 of the aggrieved party. Such complaint shall be based on
5 the final investigation report and need not be limited to
6 the facts or grounds alleged in the charge filed under
7 subsection (A).

8 (2) The complaint shall be filed with the Commission.

9 (3) The Department may not issue a complaint under this
10 Section regarding an alleged civil rights violation after
11 the beginning of the trial of a civil action commenced by
12 the aggrieved party under any State or federal law, seeking
13 relief with respect to that alleged civil rights violation.

14 (G) Time Limit.

15 (1) When a charge of a civil rights violation has been
16 properly filed, the Department, within 100 days thereof,
17 unless it is impracticable to do so, shall either issue and
18 file a complaint in the manner and form set forth in this
19 Section or shall order that no complaint be issued. Any
20 such order shall be duly served upon both the aggrieved
21 party and the respondent.

22 (2) The Director shall make available to the aggrieved
23 party and the respondent, at any time, upon request
24 following completion of the Department's investigation,
25 information derived from an investigation and any final
26 investigative report relating to that investigation.

27 (H) This amendatory Act of 1995 applies to causes of action
28 filed on or after January 1, 1996.

29 (I) The changes made to this Section by this amendatory Act
30 of the 94th General Assembly apply to charges filed on or after
31 the effective date of those changes.

32 (Source: P.A. 89-370, eff. 8-18-95.)

33 (775 ILCS 5/7B-103) (from Ch. 68, par. 7B-103)

34 Sec. 7B-103. Settlement.

35 (A) Circumstances. A settlement of any charge prior to the

1 filing of a complaint may be effectuated at any time upon
2 agreement of the parties and the approval of the Department. A
3 settlement of any charge after the filing of complaint shall be
4 effectuated as specified in Section 8-105 (A) (2) of this Act.

5 (B) Form. Settlements of charges prior to the filing of
6 complaints shall be reduced to writing by the Department,
7 signed by the parties, and submitted by the Department to the
8 Commission for approval. Settlements of charges after the
9 filing of complaints shall be effectuated as specified in
10 Section 8-105 (A) (2) of this Act.

11 (C) Violation.

12 (1) When either party alleges that a settlement order
13 has been violated, the Department shall conduct an
14 investigation into the matter.

15 (2) Upon finding substantial evidence to demonstrate
16 that a settlement has been violated, the Department shall
17 refer the matter to the Attorney General for enforcement in
18 the circuit court in which the respondent or complainant
19 resides or transacts business or in which the alleged
20 violation took place.

21 (D) Dismissal For Refusal To Accept Settlement Offer. The
22 Department may dismiss a charge if it is satisfied that:

23 (1) the respondent has eliminated the effects of the
24 civil rights violation charged and taken steps to prevent
25 its repetition; or

26 (2) the respondent offers and the aggrieved party
27 declines to accept terms of settlement which the Department
28 finds are sufficient to eliminate the effects of the civil
29 rights violation charged and prevent its repetition.

30 (3) When the Department dismisses a charge under this
31 Section it shall notify the complainant that he or she may
32 seek review of the dismissal order before the Commission.
33 The aggrieved party shall have 30 days from receipt of
34 notice to file a request for review by the Commission ~~Chief~~
35 ~~Legal Counsel of the Department.~~

36 (4) In determining whether the respondent has

1 eliminated the effects of the civil rights violation
2 charged, or has offered terms of settlement sufficient to
3 eliminate same, the Department shall consider the extent to
4 which the respondent has either fully provided, or
5 reasonably offered by way of terms of settlement, as the
6 case may be, the relevant relief available to the aggrieved
7 party under Section 8B-104 of this Act with the exception
8 of civil penalties.

9 (E) This amendatory Act of 1995 applies to causes of action
10 filed on or after January 1, 1996.

11 (F) The changes made to this Section by this amendatory Act
12 of the 94th General Assembly apply to charges filed on or after
13 the effective date of those changes.

14 (Source: P.A. 89-370, eff. 8-18-95.)

15 (775 ILCS 5/8-103) (from Ch. 68, par. 8-103)

16 Sec. 8-103. Request for Review.

17 ~~(A) Applicability. This Section does not apply to any cause~~
18 ~~of action filed on or after January 1, 1996.~~

19 ~~(A-1)~~ Jurisdiction. The Commission, through a panel of
20 three members, shall have jurisdiction to hear and determine
21 requests for review of (1) decisions of the Department to
22 dismiss a charge; and (2) notices of default issued by the
23 Department.

24 In each instance, the Department shall be the respondent.

25 (B) Review. When a request for review is properly filed,
26 the Commission may consider the Department's report, any
27 argument and supplemental evidence timely submitted, and the
28 results of any additional investigation conducted by the
29 Department in response to the request. In its discretion, the
30 Commission may designate a hearing officer to conduct a hearing
31 into the factual basis of the matter at issue.

32 (C) Default Order. When a respondent fails to file a timely
33 request for review of a notice of default, or the default is
34 sustained on review, the Commission shall enter a default order
35 and set a hearing on damages.

1 (D) Time Period Toll. Proceedings on requests for review
2 shall toll the time limitation established in paragraph (G) of
3 Section 7A-102 from the date on which the Department's notice
4 of dismissal or default is issued to the date on which the
5 Commission's order is entered.

6 (E) The changes made to this Section by this amendatory Act
7 of the 94th General Assembly apply to charges, complaints, or
8 other proceedings filed with the Department or Commission on or
9 after the effective date of those changes.

10 (Source: P.A. 89-370, eff. 8-18-95.)

11 (775 ILCS 5/8-110) (from Ch. 68, par. 8-110)

12 Sec. 8-110. Publication of Opinions. Decisions of the
13 Commission or panels thereof, whether on requests for review or
14 complaints, shall be published within 120 calendar days of the
15 completion of service of the written decision on the parties to
16 ensure ~~assure~~ a consistent source of precedent.

17 This amendatory Act of 1995 applies to causes of action
18 filed on or after January 1, 1996.

19 The changes made to this Section by this amendatory Act of
20 the 94th General Assembly apply to decisions of the Commission
21 entered on or after the effective date of those changes.

22 (Source: P.A. 89-370, eff. 8-18-95.)

23 (775 ILCS 5/8-111) (from Ch. 68, par. 8-111)

24 Sec. 8-111. Court Proceedings.

25 (A) (1) Judicial Review. Any complainant or respondent may
26 apply for and obtain judicial review of a ~~any~~ final order
27 of the Commission entered under this Act by filing a
28 petition for review in the Appellate Court within 35 days
29 from the date that a copy of the decision sought to be
30 reviewed was served upon the party affected by the
31 decision. If a 3-member panel or the full Commission finds
32 that an interlocutory order involves a question of law as
33 to which there is substantial ground for difference of
34 opinion and that an immediate appeal from the order may

1 materially advance the ultimate termination of the
2 litigation, any party may petition the Appellate Court for
3 permission to appeal the order. The procedure for obtaining
4 the required Commission findings and the permission of the
5 Appellate Court shall be governed by Supreme Court Rule
6 308, except the references to the "trial court" shall be
7 understood as referring to the Commission.

8 (2) In any proceeding brought for judicial review, the
9 Commission's findings of fact ~~made at the administrative~~
10 ~~level~~ shall be sustained unless the court determines that
11 such findings are contrary to the manifest weight of the
12 evidence.

13 (3) Venue. Proceedings for judicial review shall be
14 commenced in the appellate court for the district wherein
15 the civil rights violation which is the subject of the
16 Commission's order was allegedly committed.

17 (B) Judicial Enforcement.

18 (1) When the Commission, at the instance of the
19 Department or an aggrieved party, concludes that any person
20 has violated a valid order of the Commission issued
21 pursuant to this Act, and the violation and its effects are
22 not promptly corrected, the Commission, through a panel of
23 3 members, shall order the Department to commence an action
24 in the name of the People of the State of Illinois by
25 complaint, alleging the violation, attaching a copy of the
26 order of the Commission and praying for the issuance of an
27 order directing such person, his or her or its officers,
28 agents, servants, successors and assigns to comply with the
29 order of the Commission.

30 (2) An aggrieved party may file a complaint for
31 enforcement of a valid order of the Commission directly in
32 Circuit Court.

33 (3) Upon the commencement of an action filed under
34 paragraphs (1) or (2) of subsection (B) of this Section the
35 court shall have jurisdiction over the proceedings and
36 power to grant or refuse, in whole or in part, the relief

1 sought or impose such other remedy as the court may deem
2 proper.

3 (4) The court may stay an order of the Commission in
4 accordance with the applicable Supreme Court rules,
5 pending disposition of the proceedings.

6 (5) The court may punish for any violation of its order
7 as in the case of civil contempt.

8 (6) Venue. Proceedings for judicial enforcement of a
9 Commission order shall be commenced in the circuit court in
10 the county wherein the civil rights violation which is the
11 subject of the Commission's order was committed.

12 (C) Limitation. Except as otherwise provided by law, no
13 court of this state shall have jurisdiction over the subject of
14 an alleged civil rights violation other than as set forth in
15 this Act.

16 (D) This amendatory Act of 1996 applies to causes of action
17 filed on or after January 1, 1996.

18 (E) The changes made to this Section by this amendatory Act
19 of the 94th General Assembly apply to charges, complaints, or
20 other proceedings filed with the Department or the Commission
21 on or after the effective date of those changes.

22 (Source: P.A. 88-1; 89-348, eff. 1-1-96; 89-520, eff. 7-18-96.)

23 (775 ILCS 5/10-101) (from Ch. 68, par. 10-101)

24 Sec. 10-101. Applicability. This Article applies ~~With the~~
25 ~~exception of Section 10-104, this Article shall apply solely to~~
26 civil actions arising under Article 2, 3, or 6 of this Act as
27 authorized by Sections 10-102 and 10-104.

28 The changes made to this Section by this amendatory Act of
29 the 94th General Assembly apply to charges, complaints,
30 proceedings, and actions pending before the Department, the
31 Commission, or a court on the effective date of those changes.

32 (Source: P.A. 93-1017, eff. 8-24-04.)

33 (775 ILCS 5/10-102) (from Ch. 68, par. 10-102)

34 Sec. 10-102. Court Actions. (A) Circuit Court Actions. (1)

1 An aggrieved party may commence a civil action in an
2 appropriate Circuit Court not later than 2 years after the
3 occurrence or the termination of an alleged civil rights
4 violation or the breach of a conciliation or settlement
5 agreement entered into under this Act, whichever occurs last,
6 to obtain appropriate relief with respect to the alleged civil
7 rights violation or breach. Venue for such civil action shall
8 be determined under Section 8-111(B)(6).

9 (2) The computation of such 2-year period shall not include
10 any time during which an administrative proceeding under this
11 Act was pending with respect to a complaint or charge under
12 this Act based upon the alleged civil rights violation. This
13 paragraph does not apply to actions arising from a breach of a
14 conciliation or settlement agreement.

15 (3) A ~~An aggrieved party may commence a~~ civil action
16 arising under Article 3 of this Act may be commenced by an
17 aggrieved party under this subsection whether or not a charge
18 has been filed under Section 7B-102 and without regard to the
19 status of any such charge, however, if the Department or local
20 agency has obtained a conciliation or settlement agreement with
21 the consent of an aggrieved party, no action may be filed under
22 this subsection by such aggrieved party with respect to the
23 alleged civil rights violation practice which forms the basis
24 for such complaint except for the purpose of enforcing the
25 terms of such conciliation or settlement agreement.

26 (3.1) A civil action arising under Article 2 or 6 of this
27 Act may be commenced 365 days after the filing of a charge
28 under Section 7A-102(A)(1) regardless of the Department's
29 findings, if any.

30 (4) An aggrieved party shall not commence a civil action
31 under this subsection with respect to an alleged civil rights
32 violation which forms the basis of a complaint issued by the
33 Department if a hearing officer has commenced a hearing on the
34 record under Article 2, 3, or 6 of this Act with respect to
35 such complaint.

36 (B) Appointment of Attorney by Court. Upon application by a

1 person alleging a civil rights violation or a person against
2 whom the civil rights violation is alleged, if in the opinion
3 of the court such person is financially unable to bear the
4 costs of such action, the court may:

5 (1) appoint an attorney for such person, any attorney so
6 appointed may petition for an award of attorneys fees pursuant
7 to subsection (C) (2) of this Section; or

8 (2) authorize the commencement or continuation of a civil
9 action under subsection (A) without the payment of fees, costs,
10 or security.

11 (C) ~~Jury demand; relief~~ Relief which may be granted. (1) In
12 a civil action under subsection (A), the plaintiff or the
13 defendant may demand a trial by jury. In a civil action under
14 subsection (A) if the court or jury finds that a civil rights
15 violation has occurred or is about to occur, it ~~the court~~ may
16 award to the plaintiff actual and punitive damages (in a civil
17 action arising under Article 3) or actual damages (in a civil
18 action arising under Article 2 or 6) (except no punitive
19 damages may be awarded against the State), and the court may
20 grant as relief, as the court deems appropriate, any permanent
21 or preliminary injunction, temporary restraining order, or
22 other order, including an order enjoining the defendant from
23 engaging in such civil rights violation or ordering such
24 affirmative action as may be appropriate.

25 (2) In a civil action under subsection (A), the court, in
26 its discretion, may allow the prevailing party, other than the
27 State of Illinois, reasonable attorneys fees and costs. The
28 State of Illinois shall be liable for such fees and costs to
29 the same extent as a private person.

30 (D) Intervention By The Department. The Attorney General of
31 Illinois may intervene on behalf of the Department if the
32 Department certifies that the case is of general public
33 importance. Upon such intervention the court may award such
34 relief as is authorized to be granted to a plaintiff in a civil
35 action under Section 10-102(C).

36 (E) The changes made to this Section by this amendatory Act

1 of the 94th General Assembly apply to charges, complaints,
2 proceedings, and actions pending before the Department, the
3 Commission, or a court on the effective date of those changes.

4 (Source: P.A. 86-910.)

5 (775 ILCS 5/7-101.1 rep.)

6 Section 10. The Illinois Human Rights Act is amended by
7 repealing Section 7-101.1.

8 Section 99. Effective date. This Act takes effect on
9 January 1, 2006, except that this Section and the changes made
10 to paragraph (D)(2) of Section 7A-102 of the Illinois Human
11 Rights Act take effect upon becoming law.